

1                   UNITED STATES DISTRICT COURT  
2                   NORTHERN DISTRICT OF OHIO  
3                   EASTERN DIVISION

4                   UNITED STATES OF AMERICA,                 )  
5    ) Case No. 5:22-cr-244-BMB  
6    ) Plaintiff,    )  
7    ) Cleveland, Ohio  
8    ) vs.    )  
9    ) Wednesday, August 10, 2022  
10    ) 1:02 p.m., Courtroom 15B  
11                   CALVIN ROGERS,                                )  
12    ) CHANGE OF PLEA HEARING  
13    ) Defendant.    )  
14    ) \_\_\_\_\_

15                   REPORTER'S TRANSCRIPT OF PROCEEDINGS

16                   BEFORE THE HONORABLE BRIDGET MEEHAN BRENNAN,  
17    ) UNITED STATES DISTRICT JUDGE

18                   APPEARANCES:

19                   For the Plaintiff:

20                   OFFICE OF THE U.S. ATTORNEY - CLEVELAND  
21                   BY: PAYUM DOROODIAN, AUSA  
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25                   (Appearances continued on Page 2)

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32                   Proceedings reported by machine shorthand; transcript  
33                   produced by computer-aided transcription.

1       APPEARANCES CONTINUED:

2       For the Defendant:

3           OFFICE OF THE FEDERAL PUBLIC DEFENDER - CLEVELAND  
4           BY: JEFFREY B. LAZARUS, AFD  
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1           CLEVELAND, OHIO; WEDNESDAY, AUGUST 10, 2022; 1:02 P.M.

2                             --oOo--

3                             P R O C E E D I N G S

4                             COURTROOM DEPUTY: All rise.

5                             This United States District Court is now open for the  
6 transaction of business. The Honorable Judge Bridget Meehan  
7 Brennan presiding.

8                             All persons that have business before this Court shall  
9 draw near, give attention, and they shall be heard.

10                          God save the United States of America and this  
11 honorable court.

12                          THE COURT: Please be seated.

13                          All right. We are on the record and here today in the  
14 matter of United States of America vs. Calvin R. Rogers,  
15 Case Number 5:22-cr-244.

16                          Counsel for the government, will you please state your  
17 appearance?

18                          MR. DOROODIAN: Good afternoon, Your Honor, I  
19 am Payum Doroodian here on behalf of the United States.

20                          THE COURT: Thank you.

21                          And defense counsel?

22                          MR. LAZARUS: Good afternoon, Your Honor,  
23 Jeff Lazarus on behalf of Mr. Rogers who is sitting next to  
24 me.

25                          THE COURT: Thank you.

1           You are Mr. Rogers?

2           THE DEFENDANT: Yes. Yes, Your Honor.

3           THE COURT: All right. Good afternoon.

4           Mr. Doroodian, are there any victims in this case and  
5 if so, have notifications been made?

6           MR. DOROODIAN: There are not victims in this  
7 case.

8           THE COURT: Thank you.

9           Mr. Lazarus, I understand that we are here today for a  
10 change of plea hearing; is that correct?

11           MR. LAZARUS: That's correct, Your Honor.

12           THE COURT: Thank you.

13           Mr. Rogers, what that means is that we're going to go  
14 through a series of questions and answers, you and I. As  
15 we're doing that, I am going to make sure -- I want to make  
16 sure that you have time to talk to your attorney if you have  
17 any questions at all. So if I ask a question and you don't  
18 understand or you're not sure how you want to answer, just  
19 let me know and I'll make sure you have time to speak with  
20 Mr. Lazarus. Okay?

21           THE DEFENDANT: Yes, Your Honor.

22           THE COURT: All right. Thank you.

23           Will the courtroom deputy please administer the  
24 oath?

25           COURTROOM DEPUTY: Will you please stand and

1 raise your right hand?

2                   Do you solemnly swear that your testimony here today  
3 will be the truth, the whole truth, and nothing but the  
4 truth, so help you God?

5                   THE DEFENDANT: I do.

6                   COURTROOM DEPUTY: Thank you. You may be  
7 seated.

8                   THE COURT: All right. Thank you.

9                   So now that you are under oath I'm obligated to state  
10 to you that as I ask you these questions that we've  
11 referenced, if you don't give a truthful answer to a  
12 question, you could be prosecuted in a separate proceeding  
13 for making a false statement or lying under oath. Okay?

14                  THE DEFENDANT: Yes, Your Honor.

15                  THE COURT: All right. And I now need to be  
16 sure that your decision today to change your pleas is both  
17 knowing and voluntary so when I say I'm going to ask a lot  
18 of questions, some of them are going to seem pretty simple,  
19 but they're required, and I need to make sure that we make  
20 an adequate record that your decision today is knowing and  
21 voluntary. So the questions aren't meant to be demeaning,  
22 but they are questions I need to ask. Okay?

23                  THE DEFENDANT: Yes, Your Honor.

24                  THE COURT: All right. Can you please state  
25 your full name for the record?

1                   THE DEFENDANT: Calvin Ramone Rogers.

2                   THE COURT: All right. How old are you, sir?

3                   THE DEFENDANT: I'm 39.

4                   THE COURT: How far did you go in school?

5                   THE DEFENDANT: First year of college.

6                   THE COURT: So are you able to read and write  
7                   the English language?

8                   THE DEFENDANT: Yes, Your Honor.

9                   THE COURT: Are you a citizen of the  
10                  United States?

11                  THE DEFENDANT: Yes, Your Honor.

12                  THE COURT: Are you receiving care from any  
13                  medical provider?

14                  THE DEFENDANT: No, Your Honor.

15                  THE COURT: All right. Are you being treated  
16                  for any addiction to drugs of any kind?

17                  THE DEFENDANT: No, Your Honor.

18                  THE COURT: Are you presently under the  
19                  influence of alcohol or drugs of any kind?

20                  THE DEFENDANT: No, Your Honor.

21                  THE COURT: All right. Have you received a  
22                  copy of the Indictment in this case?

23                  THE DEFENDANT: Yes, Your Honor.

24                  THE COURT: All right. So you understand that  
25                  it charges -- it's a two-count Indictment charging in

1 Count 1 being a Felon in Possession of a Firearm, in  
2 violation of Title 18 United States Code § 922(g)(1)?

3 Do you understand that?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: All right. And the second count  
6 is a violation of 922(g)(9), which is being a Felon in  
7 Possession of a Firearm, well, and Ammunition, after having  
8 been convicted of a misdemeanor domestic violence charge.

9 Do you understand that as well?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: All right. Have you fully  
12 discussed these charges and all of the facts surrounding  
13 them with your attorney?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: And to date, have you been  
16 satisfied with his advice and representation of you?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: All right. So we're going to move  
19 now to the basic constitutional rights that you're waiving  
20 if you do, in fact, plead guilty here today. Okay?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: All right. The first is a right  
23 to a Jury Trial.

24 Do you understand you have that right?

25 THE DEFENDANT: Yes, Your Honor.

1                   THE COURT: Do you give up that right?

2                   THE DEFENDANT: Yes, Your Honor.

3                   THE COURT: You also have the right to have  
4 your case tried to the Court, if the Court would approve it  
5 and the government would agree.

6                   Do you understand you have that right?

7                   THE DEFENDANT: Yes, Your Honor.

8                   THE COURT: And are you giving up that right?

9                   THE DEFENDANT: Yes, Your Honor.

10                  THE COURT: You also have the right to see,  
11 hear from, confront, cross-examine -- cross-examine all of  
12 the government's witnesses if this matter were to proceed to  
13 trial.

14                  Do you understand that you have that right?

15                  THE DEFENDANT: Yes, Your Honor.

16                  THE COURT: And are you giving up that right?

17                  THE DEFENDANT: Yes, Your Honor.

18                  THE COURT: You also have the right to  
19 compulsory process, which is the right to subpoena witnesses  
20 or subpoena documents to be presented to you and your  
21 attorney to aid you in your defense.

22                  Do you understand that you have that right?

23                  THE DEFENDANT: Yes, Your Honor.

24                  THE COURT: And are you giving up that right?

25                  THE DEFENDANT: Yes, Your Honor.

1                   THE COURT: You also have the right to testify  
2 in your own defense should you want to.

3                   Do you understand you have that right?

4                   THE DEFENDANT: Yes, Your Honor.

5                   THE COURT: And are you giving up that right?

6                   THE DEFENDANT: Yes, Your Honor.

7                   THE COURT: And sort of on the flip side of  
8 that, you would have the right to not testify at all should  
9 you choose, and no one could comment on it.

10                  Do you understand you have that right?

11                  THE DEFENDANT: Yes, Your Honor.

12                  THE COURT: And are you giving up that right?

13                  THE DEFENDANT: Yes, Your Honor.

14                  THE COURT: Okay. And you also have the  
15 right, if you were to proceed to trial, to be presumed  
16 innocent, and it would be the government's burden to prove  
17 every element of every offense beyond a reasonable doubt.

18                  Do you understand that?

19                  THE DEFENDANT: Yes, Your Honor.

20                  THE COURT: And are you giving up that right  
21 as well?

22                  (Attorney-client discussion).

23                  THE DEFENDANT: Yes, Your Honor.

24                  THE COURT: All right. And you also have the  
25 right -- you have it now, and it continues throughout these

1 proceedings, to have an attorney appointed or retained.

2 Do you understand you have that right?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: All right. And you maintain that  
5 right. You understand that as well. Okay?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: All right. So pleading guilty is  
8 a complete admission of guilt. If I find you guilty here  
9 today, you will not proceed to a trial.

10 Do you understand that?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: All right. Mr. Doroodian, did the  
13 government extend any formal plea offers to the defendant?  
14 You don't need to give me the details, just were formal plea  
15 offers extended?

16 MR. DOROODIAN: Yes, there was, Your Honor.

17 THE COURT: All right. And, Mr. Lazarus, did  
18 you convey those plea offers to your client?

19 MR. LAZARUS: Yes, I did, Your Honor, and he  
20 rejected the Plea Agreement the government offered.

21 THE COURT: Thank you.

22 All right. So pleading here today, did anyone make  
23 any promises or assurances to you to induce you or to  
24 persuade you to change your pleas today?

25 THE DEFENDANT: No, Your Honor.

1                   THE COURT: All right. Did anyone force you  
2 or threaten you in any way to come in and change your pleas  
3 today?

4                   THE DEFENDANT: No, Your Honor.

5                   THE COURT: So are you pleading guilty of your  
6 own free will?

7                   THE DEFENDANT: Yes, Your Honor.

8                   THE COURT: All right. Mr. Doroodian, the  
9 statutory maximum penalties for Counts 1 and 2, are they the  
10 same?

11                  MR. DOROODIAN: Yes, Your Honor.

12                  THE COURT: All right. Would you please state  
13 those statutory maximum penalties?

14                  MR. DOROODIAN: Certainly, Your Honor.

15                  The maximum penalty is up to 10 years in custody, a  
16 fine of up to \$250,000 followed by supervised release of up  
17 to 3 years, and a \$100 special assessment on each.

18                  THE COURT: On each count. Thank you very  
19 much.

20                  With respect to the special assessment, that's a  
21 mandatory term. I cannot waive that. The Court can never  
22 waive that. In your instance, it would be a \$200 special  
23 assessment because there's -- there would be two counts of  
24 conviction.

25                  Do you understand that?

1                   THE DEFENDANT: Yes, Your Honor.

2                   THE COURT: And the Court may impose  
3 restitution in this case. It also has the authority to  
4 order costs associated with probation, home confinement,  
5 supervised release.

6                   Do you understand that the Court has the right to  
7 impose those costs?

8                   THE DEFENDANT: Yes, Your Honor.

9                   THE COURT: Do you understand that you also --  
10 you may be required -- I believe it's on the last page of  
11 your Indictment -- forfeiture has been asserted.

12                  Do you understand that you may be ordered to forfeit  
13 any property that was used in the commission of this offense  
14 or the proceeds of the offense? Do you understand that?

15                  THE DEFENDANT: Yes, Your Honor.

16                  THE COURT: All right. And if the Court  
17 imposes a term of probation or supervised release and that  
18 is violated, do you understand that the violation could  
19 exceed the statutory maximum plus the original term of  
20 imprisonment should one be imposed?

21                  THE DEFENDANT: Yes, Your Honor.

22                  THE COURT: Okay. So you understand that  
23 violating probation or supervised release can sort of tack  
24 on and add more time; correct?

25                  THE DEFENDANT: Yes, Your Honor.

1                   THE COURT: All right. With respect to  
2 sentencing -- because we will proceed directly to sentencing  
3 if you plead guilty here today [sic] -- sentencing is within  
4 the discretion of the trial court, and the trial court is  
5 obligated to impose a term that is sufficient but not  
6 greater than necessary to comport with the purposes of  
7 what's called § 3553. It's in the code, and you've likely  
8 discussed it with your attorney. To fashion a sentence that  
9 is sufficient but not greater than necessary, the Court is  
10 required to consider certain specific factors that are  
11 listed in that section. And I'll read them here for you  
12 now:

13                  The statutory penalty, the seriousness of the offense,  
14 your personal history and characteristics, the need for  
15 deterrence, protection of the public, rehabilitation,  
16 disparity in sentences, and also the advisory sentencing  
17 guideline calculations.

18                  Do you understand that those are the factors the Court  
19 would be considering in trying to impose a sentence that is  
20 sufficient but not greater than necessary?

21                  THE DEFENDANT: Yes, Your Honor.

22                  THE COURT: And with respect to the  
23 guidelines, it's important to note that they are just that,  
24 they're advisory, that the Court is not bound by them. The  
25 Court is obligated to calculate what the guidelines would

1 be, but the Court has the right to go above that range or go  
2 below it.

3 Do you understand that?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: And have you and your attorney  
6 talked about what your guideline calculation may be in this  
7 case?

THE DEFENDANT: Yes, Your Honor.

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: So because that calculation won't  
15 happen until sentencing I just want to be clear that you  
16 understand that what the Pre-Sentence Report states is a  
17 proper calculation may be different than what your attorney  
18 is predicting.

19 Do you understand that?

THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Thank you.

22 The elements of the offense. I'd like to make sure  
23 these are on the record as well.

24                   Mr. Doroodian, will you please state the elements of  
25 the offenses in this case?

1                           MR. DORODIAN: Your Honor, this offense has  
2 four elements. The first one is that the defendant was  
3 convicted of a crime punishable by imprisonment of more than  
4 a year; second is following that conviction, he knowingly  
5 possessed a firearm and/or ammunition; the third is at the  
6 time of the offense, he knew he had been previously  
7 convicted of a crime punishable by imprisonment of more than  
8 a year; and the fourth is that the firearm and/or ammunition  
9 crossed state lines prior to the defendant's possession.

10                          THE COURT: Thank you.

11                          All right. Do you understand that the government  
12 would have to prove all of those elements, the only  
13 variation being the one for the misdemeanor crime of  
14 domestic violence, that that would be the prior conviction  
15 versus the felonies, but do you understand that the  
16 government would have to prove all of those elements beyond  
17 a reasonable doubt?

18                          THE DEFENDANT: Yes, Your Honor.

19                          THE COURT: Mr. Doroodian, at this time would  
20 you also present for the Court the factual basis for this  
21 guilty plea?

22                          MR. DORODIAN: Your Honor, if this case were  
23 to proceed to trial, the United States would be able to  
24 prove beyond a reasonable doubt that on October 24th, 2021,  
25 in the City of Ravenna, in Portage County, which is in the

1 Northern District of Ohio, Eastern Division, the  
2 Sheriff's Office conducted a traffic stop of an Audi A4 for  
3 window tint violation. That Audi A4 did not stop after  
4 officers activated their lights and instead drove through a  
5 neighborhood to a driveway where it did finally stop.

6 Once it did stop, the driver, identified as the  
7 defendant, Calvin Rogers, immediately exited the vehicle and  
8 was intercepted by officers. The officers then observed  
9 Mr. Rogers as being overly nervous and they also observed a  
10 front passenger with no seat belt, who was identified as  
11 Shawn Lumpkin, who had a suspended license. Mr. Rogers also  
12 had a suspended license as well. When they walked around  
13 the vehicle, they also observed loose marijuana present in  
14 plain view in the vehicle and that led them to conducting an  
15 air -- free air sniff walk-around with a K9 which revealed  
16 the presence of narcotics in the vehicle.

17 Once both passengers were removed and detained, a  
18 probable cause search of the vehicle was conducted. When  
19 they went through that vehicle, they found a locked glove  
20 box. Mr. Rogers had the key to that glove box. Once it was  
21 opened, there was a gun case and a firearm in that gun case.  
22 It was a Smith & Wesson, model M&P 2.0 9mm semiautomatic  
23 pistol, bearing serial number NKP7155, and it was loaded  
24 with 15 rounds of 9mm ammunition. One round was not in the  
25 chamber at the time.

1                   Mr. Rogers denied the firearm -- knowing the firearm  
2 was in the vehicle, but did also state without being  
3 provoked that one round was not in the chamber.

4                   After that, a DNA test -- a consensual DNA swab was  
5 conducted and that was compared to the DNA found on the grip  
6 of the firearm, and it was found to be a match by a  
7 probability of 1 in 30 billion.

8                   At the time of Mr. Rogers' arrest he was prohibited  
9 from possessing firearms and ammunition due to his prior  
10 felony convictions and, Your Honor, the United States does  
11 intend, upon sentencing, to dismiss Count 2, understanding  
12 that he is pleading to both counts. I'm just concerned  
13 about a multiplicity with him being -- you know, pleading to  
14 two acts -- or two counts for the exact same act, so I will  
15 just give you the facts specific to Count 1 and assuming  
16 that we proceed to sentencing, I would move to dismiss  
17 Count 2.

18                   THE COURT: We will do the facts for Count 2  
19 as well. If he's going to plead to Count 2, I need to have  
20 a proper basis for it. If the government's not moving to  
21 dismiss today --

22                   MR. DOROODIAN: No, it is not, Your Honor, you  
23 are correct. Thank you. I just wanted to clarify that.

24                   THE COURT: Yeah. Thank you, sir.

25                   MR. DOROODIAN: So, as I was saying, that he

1       is prohibited from possessing a firearm and ammunition based  
2       on his prior felony convictions and his prior misdemeanor  
3       convictions of domestic violence. Specifically, as to the  
4       felony convictions, he is convicted of Attempted Kidnapping  
5       with a firearm specification on or about January 23rd, 2006,  
6       in Case Number CR-05-470034-A, in Cuyahoga County Court of  
7       Common Pleas; another conviction was Burglary and two counts  
8       of Domestic Violence, all felony convictions, on or about  
9       October 6th, 2011, in Case Number 2011CR00249 and  
10      2011CR00412, in Portage County Court of Common Pleas, and  
11      then a separate felony conviction of Domestic Violence on or  
12      about February 10th, 2012, in Case Number 2011CR00738, in  
13      Portage County Court of Common Pleas.

14           Now, Mr. Rogers was aware of those felony convictions  
15       and also aware that he was prohibited from possessing a  
16       firearm.

17           In addition to those felony convictions, he had been  
18       previously convicted of numerous Domestic Violence  
19       misdemeanors: First one on January 23rd, 2006, in Case  
20       Number CR-05-470034-A, in Cuyahoga County Court of Common  
21       Pleas, and another one on or about October -- sorry --  
22       August 13th, 2010, in Case Number 2010CRB02159R, in  
23       Portage County Municipal Court. Now, these -- as I stated,  
24       these do prohibit him from possessing a firearm. He was  
25       convicted of those offenses.

1           And, finally, the firearm that is in question was  
2 manufactured outside the State of Ohio and therefore did  
3 cross state lines before it reached his possession.

4           THE COURT: Thank you, Mr. Doroodian.

5           And just to be clear, because you have stated on the  
6 record that it is your plan to move for dismissal at the  
7 time of sentencing, I just want to be clear that I now view  
8 that as a representation to the defendant that I will hold  
9 the government to. Is that understood?

10          MR. DOROODIAN: Yes, Your Honor.

11          THE COURT: Thank you.

12          Mr. Rogers, do you understand that the government will  
13 be moving to dismiss Count 2 at the time of sentencing?

14          THE DEFENDANT: Yes, Your Honor.

15          THE COURT: Okay. And with respect to the  
16 factual basis that Mr. Doroodian so carefully placed on the  
17 record, do you agree that those facts are true and accurate  
18 and could be established beyond a reasonable doubt should  
19 this matter proceed to trial?

20          THE DEFENDANT: I don't think -- them facts  
21 aren't right.

22          THE COURT: You have some variations.  
23 Understood.

24          MR. LAZARUS: One minute.

25          THE COURT: Absolutely. Absolutely.

1 (Attorney-client discussion).

2 MR. LAZARUS: Your Honor, my client would like  
3 the Court to know that he agrees with the government's  
4 factual basis with one exception, that while the officers  
5 say that they found loose marijuana in the center console of  
6 the car, my client says there was no marijuana in the car.

7 THE COURT: Okay. That's duly noted, sir, and  
8 I appreciate the clarification.

9                   Do we all agree, Mr. Lazarus, and Mr. Doroodian, that  
10                  that factual correction does not, though, affect the  
11                  elements of the charges to which Mr. Rogers is pleading  
12                  guilty here today?

13 Mr. Doroodian?

14 MR. DOROODIAN: I agree, Your Honor.

15 THE COURT: Mr. Lazarus?

16 MR. LAZARUS: Yes, Your Honor.

17 THE COURT: Okay. But thank you for the  
18 correction.

19 You have -- or do you understand that you have -- you  
20 have rights in limited circumstances to appeal the  
21 conviction or sentence in this case and to assert any  
22 challenges you may have collaterally through a  
23 post-conviction proceeding.

24                   Do you understand that you have those limited  
25 appellate rights?

1                   THE DEFENDANT: Yes, Your Honor.

2                   THE COURT: All right. Mr. Lazarus, is there  
3 anything that you would like to add or anything I've  
4 forgotten to cover at this time?

5                   MR. LAZARUS: No, Your Honor. We think you've  
6 covered everything under Rule 11.

7                   THE COURT: All right. Thank you very much.

8                   Mr. Doroodian?

9                   MR. DOROODIAN: Your Honor, I believe you've  
10 covered everything. There is one caveat that I do want to  
11 place on the record. In discussions with Mr. Lazarus, I  
12 conveyed to him my concern that his client is going to  
13 qualify as an Armed Career Criminal and that was discussed,  
14 whether or not that applicability would apply. He relayed  
15 to me that he went through it thoroughly with his client.  
16 If he is, in fact, an Armed Career Criminal, I believe he  
17 understands that he could be subject to a 15-year mandatory  
18 minimum.

19                   THE COURT: Thank you very much.

20                   Mr. Lazarus, is that correct, have you had an  
21 opportunity to discuss that possibility with your client?

22                   MR. LAZARUS: Yes. Mr. Doroodian did say that  
23 to me and I did discuss that possibility with my client, but  
24 we would just like the Court to note that we believe he does  
25 not qualify as an Armed Career Criminal.

1                   THE COURT: Understood. And, frankly, the  
2 Court won't know until it sees the recommendation from the  
3 Probation Office after it conducts that Pre-Sentence Report,  
4 but if that were to apply, it would not be a basis to  
5 withdraw your plea.

6                   Do you understand that?

7                   THE DEFENDANT: Yes, Your Honor.

8                   THE COURT: All right. So do you --  
9 Mr. Rogers, do you need any additional time to speak with  
10 your attorney before I formally take your plea?

11                  THE DEFENDANT: No, Your Honor.

12                  THE COURT: And are you prepared to  
13 voluntarily change your plea knowing and understanding the  
14 rights you're giving up and the consequences of that plea?

15                  THE DEFENDANT: Yes, Your Honor.

16                  THE COURT: With that, how do you plead to the  
17 charge laid out in Count 1 of the Indictment?

18                  THE DEFENDANT: I plead guilty, Your Honor.

19                  THE COURT: And how do you plead with respect  
20 to Count 2 of the Indictment?

21                  THE DEFENDANT: I plead guilty, Your Honor.

22                  THE COURT: All right. It is the finding of  
23 this Court that Mr. Rogers is fully competent and capable of  
24 entering an informed plea; that he is aware of the nature of  
25 the charges and the consequences of the plea; and that his

1       plea of guilty -- pleas of guilty are knowing and voluntary  
2       and supported by an independent basis in fact containing  
3       each of the essential elements of the offense. So, I -- the  
4       plea is therefore adjudged accepted. The defendant is now  
5       adjudged guilty of the offenses.

6           So, Mr. Rogers, we've talked about this at various  
7       times, but now is when I want to discuss more thoroughly  
8       what's going to happen next.

9           So there will be a Pre-Sentence Report prepared. That  
10      begins first with the pre-sentence investigation. So the  
11      Probation Department's going to reach out to you through  
12      your counsel and interview you and obtain information in the  
13      preparation of that report. Okay?

14           THE DEFENDANT: Yes, Your Honor.

15           THE COURT: You can have your attorney with  
16      you when you speak to Probation should you wish it.

17           You and your counsel will have an opportunity to see  
18      the report after it's prepared. There's sort of a draft and  
19      then there's a final after the draft is prepared that's  
20      provided to you and your attorney. It's provided to the  
21      government, too. But you and your attorney will have an  
22      opportunity to review that and to state any objections that  
23      you have.

24           Do you understand?

25           THE DEFENDANT: Yes, Your Honor.

1                   THE COURT: All right. And the government  
2 will have the same opportunity as well. Okay?

3                   THE DEFENDANT: Yes, Your Honor.

4                   THE COURT: And then at sentencing, you and  
5 your attorney will have the opportunity to address the Court  
6 directly about what you believe an appropriate sentence  
7 would be. Okay?

8                   THE DEFENDANT: Yes, Your Honor.

9                   THE COURT: And the government will also have  
10 that same opportunity.

11                  So the defendant is hereby referred to the  
12 Probation Department for the preparation of a Pre-Sentence  
13 Investigation Report.

14                  Do we -- we have a sentencing date that I think is  
15 acceptable to everybody, that being Wednesday, December 7th,  
16 at 10:00 a.m.

17                  Is that acceptable to the government?

18                  MR. DOROODIAN: Yes, Your Honor.

19                  THE COURT: All right. And, Mr. Lazarus, does  
20 that work for you as well?

21                  MR. LAZARUS: Yes, Your Honor. Thank you.

22                  THE COURT: Thank you.

23                  All right. With that, the defendant will remain  
24 detained pending sentencing, and this court is adjourned.  
25 Thank you.

1                   COURTROOM DEPUTY: All rise.

2                   (Proceedings adjourned at 1:25 p.m.)

3

4                   **C E R T I F I C A T E**

5                   I certify that the foregoing is a correct transcript  
6                   of the record of proceedings in the above-entitled matter  
7                   prepared from my stenotype notes.

8                   */s/ Heather K. Newman*  
9                   HEATHER K. NEWMAN, RMR, CRR

10                  2-17-2023  
11                  DATE

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